

Chile

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Freedom of the Press

In 2013, Chile continued to provide a relatively open environment for press freedom and reporting on most issues. As in previous years, debate centered on the lack of diversity within the media, particularly concentration in the print sector and the obstacles imposed on community radio.

Freedoms of speech and of the press are guaranteed in Chile's constitution. Many of the weaknesses in the media environment stem from press laws and ownership structures that originated during the dictatorship of General Augusto Pinochet (1973–90), which governments in the democratic era have been unable or unwilling to reform. Criminal defamation and *desacato* (insult) laws have been used to silence journalists sporadically since the country's return to democracy, often leading to public outcry. There were no convictions of journalists under these laws in 2013, and in January journalist Francisco Martorell was cleared of a criminal slander charge stemming from declarations by an interviewee in 2003.

Chile's access to information law, enacted in 2008, is considered a useful tool for investigative journalists, who report generally satisfactory rates of response to their requests by government agencies.

A major legal shortcoming concerns the community radio sector. The operation of unlicensed community media was criminalized under Article 36B of the General Telecommunications Law; although the law was originally passed in 1982 during the dictatorship, Article 36B was added in 1994 under elected president Patricio Aylwin amid heavy lobbying by commercial radio owners. The law imposes fines and imprisonment for broadcasting without a legal frequency, a condition that applies to most community media operators, and has been used to arrest or harass station operators. Community radio stations operating in lands populated by the indigenous Mapuche peoples in southern Chile have been particularly targeted due to their role in protests by Mapuche and environmentalist groups against commercial forestry and hydroelectric megaprojects. In 2010, the government passed the Community Radio Law, which was intended to create a legal framework for the sector's operation. Although the law was criticized as privileging media with outside funders such as evangelical church groups and municipal governments, it was seen as a step in the right direction because it created a legal category for community media and amplified the permissible wattage for low-power stations. However, as of the end of 2013 implementing regulations had not been effectively applied, due mainly to difficulties in gaining the cooperation of Chile's largest commercial radio network, Iberoamericana Radio Chile, with communications regulator Subtel on the reallocation of frequencies.

Censorship of content is not practiced, but there is some self-censorship on sensitive topics. In general, social protests remain a sensitive coverage topic, along with reporting on the human rights violations that occurred during the dictatorship.

Compared to other Latin American countries, Chilean reporters are rarely subjected to violence and intimidation by state agents. The exception is the militarized *carabineros* police force, which at times has targeted photographers and reporters during street protests. In 2013 there were fewer complaints about mistreatment of reporters during protests in Santiago than in previous years, but in December journalists in the southern province of La Araucanía accused police of assaulting three reporters covering courthouse melees. A video showed an armored police vehicle shooting a stream of tear gas directly into the face of photographer Pablo Quintana, while photos taken during a separate incident also showed *carabineros*

grabbing Mega TV journalist Ignacio Beltrán by the throat and taking his microphone, and freelance photographer Felipe Duran being detained while taking photos.

Concentration of private advertising and government subsidies of a commercial newspaper duopoly also challenge the viability of independent media. Lack of diversity remains a particular problem in the print sector, in which a significant share of political and policy debate occurs. In November 2013, Reporters Without Borders reported that 95 percent of print titles are controlled by two privately held commercial groups, El Mercurio and Copesa—which also receive about \$5 million in annual government subsidies. Similarly, the Spanish-owned Prisa Group, which operates Iberoamericana Radio Chile, owns nearly 60 percent of radio. Many press watchdogs view the implementation of the Community Radio Law and the addition of measures to ease the technical requirements and application process as an indispensable step toward increasing the plurality of voices in Chilean media.

Attempts to diversify the system suffered two setbacks in 2013. Plans to finalize the sale of the newspaper *La Nación*, which was 69 percent government-owned and provided a contrasting voice to the commercial press duopoly, were announced in December. It had shut down its print edition in 2010; reporters had proposed transforming the paper's business model into a self-sustaining entity, but the administration of President Sebastian Piñera—who had previously described the paper as a “propaganda factory” for the center-left opposition—rejected the idea. And in November, Piñera vetoed the Digital Television Act, which would have opened additional broadcast spaces for community and regional television by reserving a portion of the radio spectrum for community, local, and regional operators. The legislation also would have prevented frequencies allotted to community radio from going to religious groups and would have given Televisión Nacional (TVN) a second regional frequency intended to broadcast a mix of TVN and locally produced content. In general, however, the television system features greater ownership diversity among the seven free-to-air channels, including the autonomous TVN, which by law is plural and self-financed, thereby ensuring greater independence. There are no government restrictions on the internet, which was accessed by nearly 67 percent of the population in 2013.

2014 Scores

Press Status

Partly Free

Press Freedom Score

(0 = best, 100 = worst)

31

Legal Environment

(0 = best, 30 = worst)

8

Political Environment

(0 = best, 40 = worst)

Economic Environment

(0 = best, 30 = worst)